

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KERRY LEIGH SMYTHE,

Defendant.

CASE NO. CR08-37MJP

DETENTION ORDER

Offense charged:

False Passport Application

Date of Detention Hearing: February 25, 2008

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

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DETENTION ORDER - 1
18 U.S.C. § 3142(i)

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Defendant is wanted on a state court writ from Wyoming. He does not oppose the government's motion for detention in this case
- (2) He has been convicted of indecent liberties in state court, and is registered as a sex offender. This supports concerns that he would present a danger to others and the community, if released from federal and state custody.
- (3) Based upon the Indictment, the Grand Jury was satisfied, on evidence presented to them, that defendant provided both a false name and a false date of birth in applying for a passport. This supports concerns that he would be a flight risk, if released from federal and state custody.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

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(4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 25th day of February, 2008.

/s/John L. Weinberg
JOHN L. WEINBERG
United States Magistrate Judge